



2008 MAY 20 PM 3:59

PTO/SB/21 (04-07)

Approved for use through 09/30/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number 10/074,687

Filing Date 2/11/2002

First Named Inventor CHEN

Art Unit 1615

Examiner Name Lakshmi S. Channavajjala

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ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <input type="checkbox"/> Return Postcard <input type="checkbox"/> Check for \$850.00 <input type="checkbox"/> Assertion of Large Entity Status
<input type="text"/> Remarks		
05/21/2008 DALLEM 00000015 10074687 01 FC:1461 850.00 OP		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Thorpe North & Western, LLP		
Signature			
Printed name	David W. Osborne		
Date	May 14, 2008	Reg. No.	44989

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	
Typed or printed name	Judy Anderson
	Date May 14 2008

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-07)

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Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2008

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

\$850.00

Complete if Known

Application Number	10/074,687
Filing Date	2/11/2002
First Named Inventor	CHEN
Examiner Name	Lakshmi S. Channavajjala
Art Unit	1615
Attorney Docket No.	01235-22619.CIP

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METHOD OF PAYMENT (check all that apply)
 Check Credit Card Money Order None Other (please identify): _____

 Deposit Account Deposit Account Number: 20-0100 Deposit Account Name: Thorpe North & Western, LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

 Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee
 Charge any additional fee(s) or underpayments of fee(s) Credit any overpayments
 under 37 CFR 1.16 and 1.17

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FEES CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

<u>Application Type</u>	<u>FILING FEES</u>		<u>SEARCH FEES</u>		<u>EXAMINATION FEES</u>		<u>Fees Paid (\$)</u>
	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	
Utility	310	155	510	255	210	105	
Design	210	105	100	50	130	65	
Plant	210	105	310	155	160	80	
Reissue	310	155	510	251	620	310	
Provisional	210	105	0	0	0	0	

2. EXCESS CLAIM FEESFee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>
	- 20 or HP =	x	=			
HP = highest number of total claims paid for, if greater than 20.					50	25
<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>		210	105

$$\text{HP} = \text{highest number of independent claims paid for, if greater than 3.}$$
3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 100 =	/ 50 =	(round up to a whole number) x	=	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Assertion of Large Fee Status

Fees Paid (\$)

\$850.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 44989	Telephone (801) 566-6633
Name (Print/Type)	David W. Osborne	Date May 14, 2008	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re application of:

Chen, et al.

Serial No.: 10/074,687

Art Unit: 1615

Filing Date: February 11, 2002

Title: PHARMACEUTICAL
FORMULATIONS AND SYSTEMS)
FOR IMPROVED ABSORPTION)
AND MULTISTAGE RELEASE)
OF ACTIVE AGENT)

Attorney Docket No.: 01235-22619.CIP)



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**ASSERTION OF LARGE
ENTITY STATUS AND
ITEMIZATION AND PAYMENT
OF DEFICIENCY**

Commissioner of Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Dear Sir:

The applicant asserts that as of May 25, 2004 the above listed patent is no longer entitled to small entity status and that this communication should act as notification of such as required under 37 C.F.R. §1.27(g)(2). It is further asserted that the paying of small entity fees subsequent to the above listed date was an error which was made in good faith. Accordingly, a check for \$720.00 is included herewith and is believed to correct all deficiencies owed with respect to this patent application.

The deficiency owed was calculated based on the guidelines set forth in 37 C.F.R. §1.28(c)(2)(i) and an itemization of the deficiency as required under 37 C.F.R. §1.28(c)(2)(ii) is set forth below.

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Itemization of Deficiency Payment

Type of Fee Paid	One-Month Extension of Time	Terminal Disclaimer	Utility Issue Fee
Current Fee Amount for Non-Small Entity	\$120.00	\$130.00	\$1440.00
Small Entity Fee Paid	\$55.00	\$65.00	\$720.00
Date of Payment of Small Entity Fee	Sept. 13, 2004	Oct. 31, 2007	April 7, 2008
Deficiency Owed for each fee	\$65.00	\$65.00	\$720.00
Total Deficiency Owed	\$850.00		

DATED this 14th day of May, 2008.

Respectfully submitted,


David W. Osborne
ATTORNEY FOR APPLICANT
REGISTRATION NO. 44,989
THORPE NORTH AND WESTERN
8180 S. 700 E., Suite 350
Sandy, UT 84070

DO/SS:ja